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| 10/047,270 | 01/14/2002 | Catharina R. Biber | 4589P008 | 4506 |

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EXAMINER

CARIASO, ALAN B

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2875

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/047,270

Applicant(s)

BIBER ET AL.

Examiner

Alan Cariaso

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-10,12-16,24,25,33-36,38-52 and 54-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8,9,24 and 25 is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7,10,12-16,33-36,38-52 and 54-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's response filed with Certificate of Mail on 27 June 2003 is acknowledged. Claims 1-3, 5-10, 12-16, 24, 25, 33-36, 38-52 and 54-58 are pending. Claims 1-3, 5-10, 12-16, 24, 25, 33, 43-47 and 49-51 have been amended. Claims 4, 11, 17-23, 26-32, 37 and 53 have been canceled.

Drawings

2. The formal drawings were received on 06 June 2003. These drawings are approved by the examiner.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 50 and 51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claims 50 and 51, both recite "so that the touchable surface of the projector case is within the safety requirements for touch temperature", of which "the safety requirements for touch temperature" have no antecedent basis.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 5, 6, 10, 12, 14, 16, 33-36, 38, 40, 42-48, 52, 54, 56 and 58 are rejected under 35 U.S.C. 102(b) as being anticipated by PUJOL (US 5,034,866).

8. PUJOL discloses a lamp housing apparatus (figs.3 & 6) comprising: a reflector (94) to reflect visible light and to pass radiation (col.4, lines 5-7) emitted from a light source (92) disposed within the reflector (94); and a heat dissipating housing (52, col.3, lines 8-14) coupled to the reflector (94), the housing (52) having an inner surface to absorb passed radiation (col.5, lines 21-23) and an outer surface having a plurality of formations (136A,136B; col.5, lines 23-28) so that the absorbed radiation can be transmitted as heat from the inner surface to the outer surface (136A,136B), wherein the reflector (94) and lamp (92) are disposed or encased substantially completely within the housing (52-fig.6); wherein the housing (52) is further capable of blocking the visible light that strays from the reflector (col.5, lines 14-16); wherein the inner surface of the housing is prepared to block the stray visible light (col.5, lines 14-23); wherein the inner surface of the housing is prepared to enhance absorptivity of the passed radiation by applying a coating of an opaque material being paint (col.5, lines 21-23); wherein the outer surface of the housing (52) inherently blocks the stray visible (fig.6); wherein the absorbed radiation is infrared (IR) radiation (col.1, lines 44-50); wherein the plurality of

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formations (136A,136B) are fins (col.5, line 24) disposed longitudinally across the outer surface (fig.3) of the housing (52); wherein the housing (52) and the reflector are formed as an integral unit (figs.6 & 8).

9. Claims 1-3, 10, 12, 14, 16, 33-36, 38, 40, 42-46, 52, 54, 56 and 58 are rejected under 35 U.S.C. 102(b) as being anticipated by MILLER (US 4,682,276).

10. MILLER discloses a lamp housing apparatus (figs.1-5) comprising: a reflector (8) to reflect visible light and to pass radiation (col.1, lines 27-31) emitted from an inherent light source disposed within the reflector (8); and a heat dissipating housing (2) coupled to the reflector (8), the housing (2) having an inner surface (15) to inherently absorb passed radiation and an outer surface having a plurality of formations (14-fig.2) so that the absorbed radiation can be transmitted as heat from the inner surface to the outer surface (14), wherein the reflector (8) and lamp are disposed or encased substantially completely within the housing (2-fig.2); wherein the absorbed radiation is infrared (IR) radiation (col.1, lines 27-31); wherein the plurality of formations (136A,136B) are fins (14) (figs.4-5) disposed longitudinally across the outer surface of the housing (2); wherein the housing (2) and the reflector (8) are formed as an integral unit (fig.2).

11. As for the phrases: "wherein the housing is further capable of blocking the visible light that strays from the reflector" (claims 2 & 44); "wherein the inner surface of the housing is prepared to block the stray visible light" (claims 3 & 45); "wherein the outer surface of the housing blocks the stray visible light" (claims 10 & 52); "blocking the visible light that strays from the reflector with the housing" (claim 34); "wherein the

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blocking is performed by the inner surface of the housing" (claim 35); "wherein the blocking is performed by the outer surface of the housing" (claim 36); and "wherein the inner surface of the heat dissipating housing is prepared to enhance absorptivity of the passed radiation" (claim 46); a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 7 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over PUJOL (US 5,034,866) in view of RUDOLPH (US 3,586,851).

14. PUJOL discloses the claimed invention as claimed except anodization of the inner surface of the housing as enhancement of heat absorptivity. RUDOLPH teaches a black anodized aluminum screen (192,268) which includes an entire inner surface or area about the lamp assembly made of the black anodized aluminum for the purpose of

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enhancing area-absorption of IR rays collecting the heat radiation so as to facilitate convection of the heat (col.5, lines 15-26). It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the enhanced inner surface of the heat removing housing of the lamp fixture of PUJOL to include a black anodized aluminum material as taught by RUDOLPH in order to enhance absorptivity or collection of IR or heat radiation by maximized inner surface area made of that anodized material adjacent or spaced from the lamp-reflector assembly.

15. Claims 13, 15, 39, 41, 55 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over MILLER (US 4,682,276) in view of MENDLESKI (US 4,646,214).

16. MILLER discloses the claimed invention as claimed except the plurality of formations being plates disposed in a parallel manner across the outer surface of the housing and being rings disposed latitudinally across the outer surface of the housing.

17. MENDLESKI teaches a plurality of formations (24) that defined plates disposed in a parallel manner and latitudinally across the outer surface for dissipating heat from the interior or inner surface of the housing (20) towards outside the housing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the cooling fins of the light fixture housing of MILLER to include the type of parallel or latitudinal disposed plates across the outer surface of the housing as taught by MENDLESKI in order to dissipate heat from the lamp-reflector assembly.

Response to Arguments

18. Applicant's arguments with respect to claims 1-3, 5-7, 10, 12-16, 33-36, 38-49, 52 and 54-58 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

19. Claims 8, 9, 24 and 25 are allowed.

20. Claims 50 and 51 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Conclusion


21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. PICHEL (US 3,639,751) shows a reflector completely disposed within a heat dissipating housing that includes outer surface formations of parallel rings and rib-plates.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cariaso whose telephone number is (703) 308-1952. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Alan Cariaso
Primary Examiner
Art Unit 2875

AC
September 29, 2003